

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MATTHEW MCDERMOTT,

Plaintiff,

-against-

BIERMAN APPAREL CORP.,

Defendant.

USDC SDNY
DOCUMENT
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DATE FILED: 6/23/2021

1:19-cv-02012-MKV


ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff has filed a notice informing the Court that the parties have reached a settlement in principle [ECF No. 51]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the parties are unable to memorialize their settlement in an agreement and as long as if the application to restore the action is made by **July 23, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

SO ORDERED.

Date: June 23, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge